



Paper No. 5

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OFFICE OF PETITIONS

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In re Application of
Payne, Coelho & Hawash
Application No.: 09/964,951
Filed: September 27, 2001
Attorney Docket No.: 042390.P12155
For: METHOD AND APPARATUS FOR
PROCESSING INPUTS INTO A COMPUTING
DEVICE

DECISION REFUSING STATUS
UNDER 37 CFR 1.47(a)

This is a decision on the petition under 37 CFR 1.47(a), filed January 22, 2002 (certificate of mailing date December 19, 2001).

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. Any response should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)" and may include an oath or declaration executed by the inventor. **Failure to respond will result in abandonment of the application.**

The above-identified application was filed on September 27, 2001 without an executed oath or declaration. Accordingly, on October 24, 2001, a "Notice to File Missing Parts of Application" (Notice) was mailed, requiring an executed oath or declaration and a surcharge for its late filing.

In response, on January 22, 2002 (certificate of mailing date December 19, 2001), a declaration executed by 1 of 3 joint inventors, the surcharge, the petition fee, and the instant petition were filed. The petition states that non-signing joint inventors Rohan Coelho and Maher M. Hawash were each mailed at least one copy of the application as filed, including specification, claims and drawings and a declaration. Mr. Hawash refused via e-mail to join in the filing of the application. Mr. Coelho did not respond to the multiple requests that he sign the declaration for the patent application.

A grantable petition under 37 CFR 1.47(a) requires

- (1) a petition including proof of the pertinent facts establishing that the joint inventor(s) refuses to join, or cannot be found or reached after diligent effort,
- (2) a proper oath or Declaration executed by the available joint inventor(s),
- (3) the fee of \$130 as specified in 37 CFR § 1.17(h), and
- (4) the last known address of the omitted inventor(s).

This petition lacks item (2).

As to item (2), the declaration filed January 22, 2002 is not acceptable. There are handwritten changes to the post office address of the first named inventor, Michael J. Payne. The changes

were not dated. Pursuant to 37 CFR 1.52(c)(1), any interlineation, erasure, cancellation or other alteration of the application papers filed must be made before the signing of any accompanying oath or declaration pursuant to section 1.63 referring to those application papers and should be dated and initialed. A newly executed declaration is required.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Commissioner for Patents
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